

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES BUERL	:	CIVIL ACTION NO. 1:CV-12-2482
	:	
Plaintiff	:	(CHIEF JUDGE KANE)
	:	(Magistrate Judge Carlson)
v.	:	
	:	
ERIKA FENSTERMAKER, et al.	:	
	:	
Defendants	:	

**ORDER**

Before the Court in the captioned action is a December 12, 2012 report of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) Plaintiff's motion for leave to proceed *in forma pauperis* is GRANTED (Doc. No. 3). The Plaintiff's complaint is dismissed as to the individual defendant, but shall be served as to the United States.
- 3) Plaintiff's motion to join in the ongoing mediation proceedings that have been ordered in the related food poisoning cases joinder (Doc. No. 2) is GRANTED. Joseph Barrett, Esquire is appointed as a mediator in this action. The Plaintiff and the United States shall participate in the mediation proceedings that have been put in place.

4) The case is referred to Magistrate Judge Carlson for any further proceedings.

s/ Yvette Kane

YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: January 7, 2013